

REMARKS

Claims 1-37 are pending in the case. Further examination and reconsideration of pending claims 1-37 are hereby respectfully requested.

Section 102 Rejections

Claims 1-3, 5-18, 20-29, 31-35, and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0093648 to Nikoonahad et al. (hereinafter “Nikoonahad”). As will be set forth in more detail below, the § 102 rejections of claims 1-3, 5-18, 20-29, 31-35, and 37 are respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP § 2131. The cited art does not disclose all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

The cited art does not teach collecting light scattered from a specimen with a collection channel and detecting light collected by the collection channel with multiple detection channels. Independent claim 1 recites in part: “collecting light scattered from the specimen with a collection channel; detecting light collected by the collection channel with multiple detection channels.” Independent claims 14, 16, and 25 recite similar limitations.

For at least the reasons set forth in the Amendment; Response filed in the present case by Applicants on March 13, 2006 (hereinafter “the prior response”), which is incorporated by reference as if fully set forth herein, Nikoonahad does not teach collecting light scattered from a specimen with a collection channel and detecting light collected by the collection channel with multiple detection channels, as recited in claims 1, 14, 16, and 25. The Final Office Action states:

Applicant is directed to figure 9 [184] in which system 70 comprises a plurality of measurement devices with each measurement device comprising multiple detection channels...As such, Nikoonahad fully discloses detecting light collected by the collection channel with multiple detection channels since measuring device 70, as shown in figure 9, comprises at least four detection channels. (Final Office Action -- pages 9-10, emphasis in original).

Applicants respectfully traverse this assertion.

In particular, Nikoonahad does not teach that any of the measurement devices of system 70 includes a collection channel configured to collect light scattered from a specimen and multiple detection channels configured to detect light collected by the collection channel. In other words, Nikoonahad does not teach that any of the measurement devices includes multiple detection channels configured to detect scattered light collected by the same collection channel. In addition, while each of the measurement devices included in system 70 of Nikoonahad may include its own collection channel, none of the measurement devices taught by Nikoonahad inherently includes multiple detection channels, each of which is configured to detect scattered light collected by the same collection channel.

Furthermore, while each of the measurement devices included in the system of Nikoonahad may include its own detection channel, Nikoonahad does not teach that the detection channels of two or more of the measurements devices are configured to detect scattered light collected by the same collection channel. Moreover, the detection channels of two or more of the measurement devices are not inherently configured to detect scattered light collected by the same collection channel. Consequently, Nikoonahad does not teach collecting light scattered from a specimen with a collection channel and detecting light collected by the collection channel with multiple detection channels, as recited in claims 1, 14, 16, and 25. Therefore, Nikoonahad does not teach all limitations of claims 1, 14, 16, and 25.

For at least the reasons set forth above, claims 1, 14, 16, and 25, as well as claims dependent therefrom, are not anticipated by the cited art. Accordingly, removal of the § 102 rejections of claims 1-3, 5-18, 20-29, 31-35, and 37 is respectfully requested.

Section 103(a) Rejections

Claims 4, 19, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nikoonahad. As will be set forth in more detail below, the § 103 rejections of claims 4, 19, and 30 are respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. The cited art does not teach or suggest all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

The cited art does not teach, suggest, or provide motivation for collecting light scattered from a specimen with a collection channel and detecting light collected by the collection channel with multiple detection channels, as recited in claims 1, 16, and 25. For at least the reasons set forth above, Nikoonahad does not teach all limitations of claims 1, 16, and 25. In addition, for at least the reasons set forth in the prior response, Nikoonahad does not suggest or provide motivation for collecting light scattered from a specimen with a collection channel and detecting light collected by the collection channel with multiple detection channels, as recited in claims 1, 16, and 25. Therefore, Nikoonahad does not teach, suggest, or provide motivation for all limitations of claims 1, 16, and 25.

For at least the reasons stated above, claims 1, 16, and 25, as well as claims 4, 19, and 30 dependent therefrom, are patentably distinct over the cited art. Accordingly, removal of the § 103 rejections of claims 4, 19, and 30 is respectfully requested.

CONCLUSION

This response constitutes a complete response to all issues raised in the final Office Action mailed July 10, 2006. In view of the remarks presented herein, Applicants assert that pending claims 1-37 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

The Commissioner is authorized to charge any required fees or credit any overpayment to deposit account number 50-3268.

Respectfully submitted,
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